

Lower Rio Grande Citizens' Forum Meeting
April 4, 2007
Mercedes, Texas
***Tentative Meeting Notes**

Board Members in Attendance:

Kika De La Garza
Laura De La Garza
William R. Lewis
Joseph Coulter
Neil Haman

USIBWC Staff in attendance:

Carlos Marin
Enrique Reyes
Christopher Anzaldua

Others in attendance:

Ken Jones - LRGVDC
Brad Nibert - RGV Business Journal
Eliud Barrera - Citizen
Rene Zamora - Citizen
Carl Boyd - Citizen, IBWC Retiree
Bryan Winton - USFWS
Ernesto Reyes - USFWS
Ed Vela - TCEQ
Juan Trevino - TDA
Mario Cruz

Welcome and Introductions:

Co-Chair Wayne Wells was not present; therefore, Rick Reyes introduced U.S. Commissioner Carlos Marin.

Carlos Marin began the meeting by stating that the current water delivery year will end Oct. 3, 2007 and stated that Mexico had only delivered 55,000 acre-feet of water to the United States under the terms of the 1944 Water Treaty and needed to deliver a total of 350,000 in order to stay current. He stated that there was a shortage of 106,000 acre-feet last year; therefore, Mexico should deliver 400,000 acre-feet before October 3rd. He added that this is probably an impossibility unless there were significant rainfall in the area of the drainage basin

He stated that Mexico was releasing water from the Rio Conchos but stopped on March 30. He stated that they released 70,000 acre-feet of water out of that basin; however they need to release additional water required under Minute 309. He stated that in Minute 309 there was a requirement that Mexico was to conserve water based on \$20 million given to Mexico by NADBANK. Mexico was to provide U.S. with water out of that system. He stated that USIBWC was pushing Mexico to deliver the rest.

Carlos Marin stated that the U.S. and Mexican Sections had a meeting to encourage Mexico to fulfill its treaty requirements to ensure no deficit by the end of the current five-year water delivery cycle in October 2007. During the meeting, Carlos Marin and TCEQ's Carlos Rubinstein noted that Mexico's annual water allocation plan does not include the U.S. as a user, which makes a difference because they drained the system out providing water to their users but didn't consider the U.S. Mexico took the information very seriously and agreed to include the U.S. as a user of the Mexican system at a follow-up meeting.

Commissioner Marin stated that Mexico came up with three different scenarios – dry, normal, and wet. Under the dry scenario, Mexico would still be in a deficit, but under the normal or wet scenario, they could probably pay the treaty requirements but that would also reach a level that Mexican reservoirs would be pretty low at the end of the cycle year.

He stated that it was a critical issue but was not at the level it was two or three years ago. He expressed that the State of Texas was very concerned about the issue and that the State Department had brought it up with Mexico's Ambassador in Washington. Our Ambassador in Mexico City also brought it up to the Secretary of Foreign Relations in Mexico City, that we should end this year without a deficit. He reiterated that it was a critical issue.

Commissioner Marin stated that the U.S. advised Mexico that if they didn't have a definite decision by June as to how to comply with the Treaty, then the issue will become more difficult, hotter in the political sense because of what the U.S. experienced in the past with deficit.

Question: Were the Dams full?

Answer: The Conchos basin is 100% full and the San Juan Basin is 95% full. Although the San Juan basin is not part of the Treaty deliveries, the U.S. has taken very beneficial water from there because we do not incur any losses. Texas can use that water very efficiently if it is available from that source.

Question: There was a lawsuit filed by the water districts

Answer: It's still on the table. The federal government is not involved. There were hearings 2 or 3 months ago. Mexico was very well represented, don't know what the final result is but it is still ongoing.

Question: A few years ago this issue got help from the people in Washington and drew a lot of attention to this area. Can we use this to focus on other Valley problems such as Morillo Drain and the levee system?

Answer: Washington is pushing Mexico. The Director of Mexico's National Water Commission expressed in a previous meeting that they did not want another deficit to occur; therefore, they would take whatever actions to prevent another water deficit. Although the Mexican Section's response is the same as years before, it was a plus to have them consider the U.S. in their water allocation as a water user in the Mexican system.

Before beginning the Morillo Drain presentation, Carlos Marin asked Dr. Coulter if he had anything to add. Dr. Coulter added that he had a couple of initiatives that the Water Committee has started regarding El Morillo but he would address them at the appropriate time.

Carlos Marin reiterated that the U.S. Section received \$650,000 in federal appropriations obtained by Senator Hutchison two years ago to help address the issues of the Morillo Drain. That money came in through EPA and EPA kept \$25,000 for administrative costs and the rest of the money has been invested into getting the Morillo program underway. He stated that IBWC got word that a Mexican contractor had been selected and that contractor was onsite starting grading operations to get an access road close to the drain itself to start the work.

Upon beginning the Morillo presentation, Carlos Marin expressed that every so often there is an issue of pumps not being operated when the water is spilling over and USIBWC Lower Rio Grande Project Manager Rick Reyes contacts the Mexican Section to ensure the project is working properly. There is still some work that needs to be done. Right now there is one pump that is not functional.

The Commissioner also mentioned that he had been discussing with the Mexican Section the possibility of installing some automatic activators, that would turn the pumps on when the water got to a certain elevation to help prevent the highly saline water from going back into the river.

Morillo Pump Station Presentation:

- Approximately 300 meters of Drain to be enclosed in pipe.
- Pipe is plastic, fiberglass reinforced, 1.83 meters (6.0 ft.) in diameter, 12 meter sections - Pipe has already been purchased and is onsite.
- Reach is adjacent to Anzalduas Dam, high bank area subject to erosion and sloughing.
- Project will greatly reduce future maintenance requirements in the reach.
- Photos
 - Morillo Pumps Station
 - Pump Inlet Bay
 - Pump House Interior
 - Morillo Drain Pipe Project
 - Pipe Manufacturer - Flowtite
 - Location Map - Aerial View of Morillo Channel
 - 3 Close up photos of Morillo
- Cost/Work Share
 - U.S. to provide \$615,000 for materials, installation, and construction.
 - Mexico to provide design, contracting, acquisition, administration, and installation of pipe.

During this portion of the presentation, Dr. Coulter added that Carlos Rubinstein was negotiating

with Mexico about using some of their water to flush since the pumps would be shut down and wanted to know if Mexico was in agreement with that. Carlos Marin agreed that the U.S. and Mexican Sections were already discussing that issue and added that approximately a month before, there was a similar situation where Carlos Rubinstein had to use water from Falcon due to high salinity and the U.S. got reimbursed for that water. Therefore, the U.S. Section would get to a similar understanding with Mexico. Dr. Coulter added that according to the schedule, three months would be the time frame that the pump would be shut down and Commissioner Marin agreed.

Then Dr. Coulter continued to discuss that there would be a historic observance sometime this year. He stated that the Water Committee had launched a tribute to the men who made El Morillo exist. He stated that the Committee contracted an agency out of McAllen that will gather information about the people and gather photos which will be placed on the wall of the Hidalgo pump house.

He also stated that there were two new county judges that have been receptive to the efforts of the involvement of El Morillo. This will be put out as a one-page explanation and purpose of El Morillo and spread out in a publication in about a month or so. This information would benefit by getting the leverage of the county commissioner's court who's paying the bill and we know that they would like to reduce that.

Carlos Marin added that there was a NADBANK meeting in San Antonio and Ken Jones of the Lower Rio Grande Valley Development Council asked whether there was any kind of funding in place out of NADBANK such as grants or a partial grant and loan. Jones is to follow up with Oscar Cabra of NADBANK. Ken Jones stated that the meeting would take place later that week.

Carlos Marin added that there is a need for a sponsor from either the U.S. or Mexican side because NADBANK does not give loans to federal agencies. Dr. Coulter added that would be something to propose to the county commissioners court and the water committees and Ken Jones added that the water authority as well.

Carlos Marin then continued with the presentation:

- Schedule of Work to be performed:
 - Delivery of criteria to bid on the works - Feb. 2 - Mar. 2
 - Site Visit - Mar. 7 (9:00am)
 - Meeting to answer questions - Mar. 7 (2:00pm)
 - Submission - Deadline and opening of financial & technical prop. - Mar. 23 (11:00am)
 - Bid Decision - Mar. 26 (11:30am)
 - Award Announcement - Mar. 27
 - Sign Contract - Mar. 28
 - Delivery of Advance payment & execution bonds - Apr. 2
 - Work begins (Timeframe 89 calendar days) - Apr. 2
 - Order pipe - Apr. 3
 - Delivery of pipe (45 days after the order date) May 17
 - Period in which water will need to be removed from the diversion drain - May 1-31
 - Work Schedule - Apr. 2 - June 30

Before beginning the Levee presentation, Commissioner Marin advised the forum that during

FY-2006, Congressmen Hinojosa, Ortiz, Doggett, and Cuellar placed an additional \$4 million into IBWC's budget request. He stated that it passed the House but it didn't pass the Senate. However the money that was to be allotted was to be dedicated to IBWC's priority list.

He continued to state that based on the flooding situation in El Paso last year, Congressmen Reyes and Rodriguez requested funds for USIBWC in the Iraq war emergency spending bill. They attached \$10,000,000 to address Rio Grande flood control issues and levees in the El Paso area. But the President does not want unrelated spending attached to the Iraq war bill. Unclear what the status is of that funding request.

Congress is currently working on the USIBWC's 2008 budget. The President's budget requested \$5 million for levee rehab. That money will be allotted the way it was originally authorized. Therefore, USIBWC is hoping to get all \$5 million which is an increase over what USIBWC usually gets. In past years, USIBWC normally gets \$2.2 or \$2.5 million for levee rehab activities.

In preparation of the FY- 2009 budget, USIBWC will request additional funding. We do have \$2.3 million dollars that was received for FY-2007. USIBWC met with Hidalgo County that morning and it was proposed that construction funds come from some other accounts so that USIBWC can begin addressing issues and emergency needs. Currently USIBWC has \$1.2 million for Hidalgo Levee Phase I, if we get the \$5 million we will devote that to Phase II which covers a lot of the upper portion of the river levee system.

Carlos Marin began the Lower Rio Grande Flood Control Project Rehabilitation presentation as follows:

- Geotechnical Investigations
 - Geotechnical investigations are presently being conducted by the USIBWC contractor, S&B Infrastructure, on all USIBWC levee reaches in the Lower Rio Grande Valley.
 - Borehole information was received in March 2007 for Interior Floodway Investigations.
 - Work is continuing in the Donna to Brownsville reach.
 - Draft and final geotechnical reports are due in June or July of 2007.
- Environmental Assessments
 - Final EA's have been completed for Hidalgo Loop Levee and Mission-Peñitas to Anzalduas. Lateral A to Donna Final EA will be issued in April 2007.
 - Final EA's for Donna to Brownsville and the Interior Floodway reaches will be completed in August of 2007.

Dr. Coulter asked where the dirt was coming from?

Commissioner Marin responded that USIBWC would put out a contract for bids to see where USIBWC could get it.

- Lower Rio Grande Flood Control Project Rehabilitation Estimate - Hidalgo Loop Levee to Lateral "A" Hidalgo - Phase I & II

- USIBWC will issue a contract solicitation this fiscal year (July 2007) for Hidalgo, Phase I, raising 3.3 miles of the USIBWC levee from the Banker floodway to the Hidalgo Reynosa Bridge.
- Design of Hidalgo Phase II will begin in June 2007. Phase II entails floodwall construction at the bridges, a new levee east of the Hidalgo - San Juan pumphouse, and connection to the western terminus of the levee raising done in conjunction with the Hidalgo Hike and Bike Trail.
- Mission: Penitas to Anzalduas Dam
 - Memorandum of Understanding with HCDD No. 1 for cost sharing of this reach and was drafted in February; discussions are ongoing.
 - Design for raising of the Old Mission Inlet Closure levee is expected to begin in early 2008, contingent on funding.
- FEMA Certification
 - USIBWC informed FEMA November 2, 2006 that levee reaches in Hidalgo and Cameron counties were not certifiable.
 - FEMA re-mapping of floodplains expected to be completed by end of FY-2007.
 - FEMA re-mapping will assume water surface from USIBWC hydraulic model will exist in a “no-levee” scenario.
 - USIBWC will continue to work with FEMA toward certification - 12 - 24 months is expected between draft map release and map finalization.
- Model Validation and FLO2D Modeling
 - USIBWC HEC-RAS hydraulic model will be validated by USIBWC consultant S&B Infrastructure.
 - Additional data will be incorporated into the model, with results completed by June 2007.
 - 2 dimensional modeling (FLO2D) underway using topographic LiDAR data from Willacy, Cameron, and Hidalgo counties and Mexico.
 - FLO2D model will indicate potential areas of inundation, with completion of work expected by August 2007.

Ken Jones stated that he didn't actually have a question but wanted to thank the IBWC for maximizing resources to address the issue.

Kika De La Garza asked if the information IBWC provided during the meeting had been provided to the cities affected.

Carlos Marin stated that USIBWC had in fact been in contact with the counties and cities.

Question: How high are the levees supposed to be?

Carlos Marin responded that FEMA required the levees be 3 ft above flood design but that it varied in different areas. You must adjust for the volume of water. FEMA requires 3 ft safety factor

Question: Is there a certain width for the levees?

Carlos Marin stated that in IBWC's Maintenance Operations typically it's the width of a vehicle.

Laura De La Garza asked what the design flood was?

Carlos Marin responded that down river from Anzalduas Dam to Retamal it's 125,000 cfs and from Retamal down it's 25,000 cfs. We take 105,000 cfs to the U.S. interior floodway and at Retamal Dam, Mexico takes water into its floodway.

Question: Is there a certain type of material for constructing the levees?

Carlos Marin responded that IBWC has certain specifications to abide by. IBWC hires a soil lab to ensure the density.

Carl Boyd added that there were a lot of people that didn't know about Retamal Dam but that it had a purpose.

Carlos Marin agreed that Retamal Dam was very important and added that if it wasn't there, everything else from there (Donna) would flood very easily.

Carlos Marin stated that it was the Board's Final meeting as their terms were expiring. The USIBWC has application forms available for those interested in appointment to the new board. He awarded Certificates of Appreciation to outgoing board members. Rick Reyes gave the specifics on the application process, where to obtain an application, added a few details, and stated that the deadline was May 15, 2007.

*Meeting notes are tentative and summarize in draft the contents and discussion of Citizens' Forum Meetings. While these notes are intended to provide a general overview of Citizens' Forum Meetings, they may not necessarily be accurate or complete, and may not be representative of USIBWC policy or positions.